HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.2099 OF 2005.

Ram Chagan Gadhvi. ...Applicant.

V/s.

The State of Maharashtra. ...Respondent

Shri Hitesh D. Magar, for applicant.

Shri V.B.Konde-Deshmukh, APP for respondent.

CORAM: A.M.KHANWILKAR,J
DATE : APRIL 5, 2005

P.C. :-

1. Heard the counsel for the parties. Perused the record.

2. There is evidence on record to indicate the complicity of the applicant. In that the applicant was found on the spot, who managed to run away. The applicant has been identified by the concerned witnesses including the complainant. The recovery of cutta (country made revolver) which was used in the commission of the offence is also made at the instance of the applicant and that the applicant was absconding and arrested from Porbunder. All these circumstances, for the time being are sufficient to connect the applicant in the commission of the alleged offence.

The offence being serious one, this is not a fit case for bail.

3. To get over this position, the counsel for the applicant contends that the only ground which has weighed with the trial court while rejecting the prayer for bail of the applicant is that the applicant does not have permanent residence in Mumbai and that ground is not sufficient to reject the prayer for bail. Indeed the lower court has only referred to that aspect in the order, however, for the reasons mentioned above, I find no reason to show indulgence to the applicant. Hence rejected.

4. As prayer for bail is rejected, trial court is directed to dispose of the trial on expeditious basis. The trial court to decide the case on its own merit in accordance with the law uninfluenced by the observations made in the present order which is only for the limited purpose of considering prayer for bail.

5. In the event the trial Court is of the opinion that the applicant is responsible for delay in the trial, that be recorded in roznama, which will be taken into account as and when occasion arises.

6. Application is disposed of accordingly.